

JUL 14 2008



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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/810,296

03/27/2004

Xing Fa Wang

XLH8FW

1034

35673 7590 07/10/2008  
XING FA WANG  
16 PALM STREET  
WORCESTER, MA 01604-3844

EXAMINER

SIMS, JASON M

ART UNIT

PAPER NUMBER

1631

MAIL DATE

DELIVERY MODE

07/10/2008

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

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JUL 14 2008

# **Response to Rule 312 Communication**

Application No.

Applicant(s)

10/810,296

WANG, XING FA

Examiner

Art Unit

JASON M. SIMS

1631

*- The MAILING DATE of this communication appears on the cover sheet with the correspondence address -*

1. ☒ The amendment filed on 21 April 2008 under 37 CFR 1.312 has been considered, and has been:

- a) ☐ entered.
- b) ☐ entered as directed to matters of form not affecting the scope of the invention.
- c) ☐ disapproved because the amendment was filed after the payment of the issue fee.

Any amendment filed after the date the issue fee is paid must be accompanied by a petition under 37 CFR 1.313(c)(1) and the required fee to withdraw the application from issue.

- d) ☒ disapproved: See explanation below.
- e) ☐ entered in part: See explanation below.

Amendment to the claims filed on 4/21/2008 does not comply with the requirements of 37 CFR 1.121(c) because the amendment does not contain the proper claim-text markings, see below. Amendments to the claims filed on or after July 30, 2003 must comply with 37 CFR 1.121(c) which states:

(c) Claims. Amendments to a claim must be made by rewriting the entire claim with all changes (e.g., additions and deletions) as indicated in this subsection, except when the claim is being canceled. Each amendment document that includes a change to an existing claim, cancellation of an existing claim or addition of a new claim, must include a complete listing of all claims ever presented, including the text of all pending and withdrawn claims, in the application. The claim listing, including the text of the claims, in the amendment document will serve to replace all prior versions of the claims, in the application. In the claim listing, the status of every claim must be indicated after its claim number by using one of the following identifiers in a parenthetical expression: (Original), (Currently amended), (Canceled), (Withdrawn), (Previously presented), (New), and (Not entered).

(1) Claim listing. All of the claims presented in a claim listing shall be presented in ascending numerical order. Consecutive claims having the same status of "canceled" or "not entered" may be aggregated into one statement (e.g., Claims 1-5 (canceled)). The claim listing shall commence on a separate sheet of the amendment document and the sheet(s) that contain the text of any part of the claims shall not contain any other part of the amendment.

(2) When claim text with markings is required. All claims being currently amended in an amendment paper shall be presented in the claim listing, indicate a status of "currently amended," and be submitted with markings to indicate the changes that have been made relative to the immediate prior version of the claims. The text of any added subject matter must be shown by underlining the added text. The text of any deleted matter must be shown by strike-through except that double brackets placed before and after the deleted characters may be used to show deletion of five or fewer consecutive characters. The text of any deleted subject matter must be shown by being placed within double brackets. If strike-through cannot be easily perceived. Only claims having the status of "currently amended," or "withdrawn" if also being amended, shall include markings. If a withdrawn claim is currently amended, its status in the claim listing may be identified as "withdrawn—currently amended."

(3) When claim text in clean version is required. The text of all pending claims not being currently amended shall be presented in the claim listing in clean version, i.e., without any markings in the presentation of text. The presentation of a clean version of any claim having the status of "original," "withdrawn" or "previously presented" will constitute an assertion that it has not been changed relative to the immediate prior version except to omit markings that may have been present in the immediate prior version of the claims of the status of "withdrawn" or "previously presented." Any claim added by amendment must be indicated with the status of "new" and presented in clean version, i.e., without any underlining.

(4) When claim text shall not be presented; canceling a claim.

(i) No claim text shall be presented for any claim in the claim listing with the status of "canceled" or "not entered."

(ii) Cancellation of a claim shall be effected by an instruction to cancel a particular claim number. Identifying the status of a claim in the claim listing as "canceled" will constitute an instruction to cancel the claim.

(5) Reinstatement of previously canceled claim. A claim which was previously canceled may be reinstated only by adding the claim as a "new" claim with a new claim number.

#### Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jason Sims, whose telephone number is (571)-272-7540.

If attempts to reach the Examiner by telephone are unsuccessful, the Examiner's supervisor, Marjorie Moran can be reached via telephone (571)-272-0720.

Papers related to this application may be submitted to Technical Center 1600 by facsimile transmission. Papers should be faxed to Technical Center 1600 via the Central PTO Fax Center. The faxing of such papers must conform with the notices published in the Official Gazette, 1096 OG 30 (November 15, 1988), 1156 OG 61 (November 16, 1993), and 1157 OG 94 (December 28, 1993) (See 37 CFR § 1.6(d)). The Central PTO Fax Center number is (571)-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

// Jason Sims //

/Michael Borin, Ph.D./  
Primary Examiner, Art Unit 1631

**Notice of Allowability**

Application No.

10/810,296

Applicant(s)

WANG, XING FA

Examiner

JASON M. SIMS

Art Unit

1631

**- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--**

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to the amendment filed 4/11/2008.
2. ☒ The allowed claim(s) is/are 1-10.
3. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
  - a) ☐ All b) ☐ Some\* c) ☐ None of the:
    1. ☐ Certified copies of the priority documents have been received.
    2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
    3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

\* Certified copies not received: \_\_\_\_\_.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.  
**THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.**

4. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
  5. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
    - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
      - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date \_\_\_\_\_.
    - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date \_\_\_\_\_.
- Identifying Indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
6. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

**Attachment(s)**

- |  |   |
|--|---|
| 1. <input type="checkbox"/> Notice of References Cited (PTO-892)   | 5. <input type="checkbox"/> Notice of Informal Patent Application                     |
| 2. <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                       | 6. <input type="checkbox"/> Interview Summary (PTO-413),<br>Paper No./Mail Date _____ |
| 3. <input type="checkbox"/> Information Disclosure Statements (PTO/SB/08),<br>Paper No./Mail Date _____    | 7. <input checked="" type="checkbox"/> Examiner's Amendment/Comment                   |
| 4. <input type="checkbox"/> Examiner's Comment Regarding Requirement for Deposit<br>of Biological Material | 8. <input type="checkbox"/> Examiner's Statement of Reasons for Allowance             |
|  | 9. <input type="checkbox"/> Other _____   |

/Michael Borin, Ph.D./  
 Primary Examiner, Art Unit 1631

Application/Control Number: 10/810,296  
Art Unit: 1631

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**EXAMINER'S AMENDMENT**

An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it MUST be submitted no later than the payment of the issue fee.

Authorization for this examiner's amendment was given in a telephone interview with Xing F. Wang on 12/5/2007.

In claim 9, last paragraph, which begins with the word "outputting," line 4, immediately after the word "called," the term "the" delete and the term - - a - - substitute therefor.

In claim 9, last paragraph, which begins with the word "outputting," line 5, immediately proceeding the word "total," the term "a" delete and the term - - the - - substitute therefor.

In claim 9, last paragraph, which begins with the word "outputting," line 6, immediately proceeding the words "disease risk level" the term "a" delete and the term - - the - - substitute therefor.

In claim 9, last paragraph, which begins with the word "outputting," line 6, immediately proceeding the word "primary," the term "a" delete and the term - - the - - substitute therefor.

In claim 9, last paragraph, which begins with the word "outputting," line 7, immediately proceeding the word "primary therapy," the term "a" delete and the term - - the - - substitute therefor.

Application/Control Number: 10/810,296  
Art Unit: 1631

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In claim 9, last paragraph, which begins with the word "outputting," line 8, immediately proceeding the word "secondary therapy target," the term "a" delete and the term -- the -- substitute therefor.

In claim 9, last paragraph, which begins with the word "outputting," line 9, immediately proceeding the word "therapeutic efficiency," the term "a" delete and the term -- the -- substitute therefor.

In claim 9, last paragraph, which begins with the word "outputting," line 11, immediately proceeding the word "therapy," the term "the" delete and the term -- a -- substitute therefor.

#### ***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jason Sims, whose telephone number is (571)-272-7540.

If attempts to reach the Examiner by telephone are unsuccessful, the Examiner's supervisor, Marjorie Moran can be reached via telephone (571)-272-0720.

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// Jason Sims //

Application/Control Number: 10/810,296  
Art Unit: 1631

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/Michael Borin, Ph.D./  
Primary Examiner, Art Unit 1631

07/14/2008 13:42

5088310592

XING F WANG

PAGE 14/15

USPTO

4/21/2008 9:28:32 AM

PAGE 1/001

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JUL 14 2008

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Received  
Cover  
Page

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4/21/2008 09:17 XING F WANG PAGE 01/30

### FACSIMILE TRANSMISSION COVER SHEET

APPLICATION/CONTROL NUMBER: 10/810,296

DATE: April 19, 2008

TO: Technical Center 1630 via the Central PTO Fax Center.

Examiner: Mr. Jason M. Sims

TEL: (571)-272-7540

Art Unit: 1631

FAX: (571)-273-8330

FROM: King F. Wang, Applicant/Inventor,  
16 Palm St., Worcester, MA 01604,  
TEL: (774)-239-3984  
FAX: (508)-831-0592

#### MESSAGE:

The amendment based on the Notice of Allowability dated April 16, 2008 regarding the US patent application (Application Number: 10/810,296).  
NUMBER OF PAGES: 30 (INCLUDING THIS PAGE)

PAGE 1/01 \* RCVD AT 4/21/2008 9:20:25 AM [Eastern Daylight Time] \* SVR:USPTO-EFAXF-6/3 \* DNIS:2738300 \* CSID:5088310592 \* DURATION (mm-ss):04-10